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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,471	12/28/2001	Alan C. Wendt	0095-1207	2179

7590 01/16/2004

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EXAMINER

NGUYEN, CHI Q

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,471

Applicant(s)

WENDT, ALAN C.

Examiner

Chi Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 and 28-31 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 17 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

This Office action is in response to the applicant's amendment filed on 11/6/03.

Claim Objections

Claims 13-15 are objected to because of the following informalities: independent claim 9 recites one tapered panel, however, claims 13-15 referring more than one panels "said tapered panels". Appropriate correction is required.

Claim 29 is objected to because of the following informalities: in line 4, should be read as "a first and a second planar *panels*". In lines 11-12 recites as "said third panel" is not clear. Appropriate correction is required.

Claim 32 is objected to because of the following informalities: in line 9, recites as "said tapered" is referred to the tapered panel? Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-12, 15, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Izenberg (US 5,044,103).

Izenberg teaches a sign holder for suspended ceilings comprising a grid formed from the interconnection of grid members 16, at least one tapered panel 10 having a slanted layer 34 connected to a plurality of side surfaces 32 including outwardly extending flanges 30 adapted to suspend the at least one tapered panel 10 from the

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grid 16. Two of the side surfaces 32 intersect with the slanted later to form a pair of parallel edges that taper across the length of the panel. The grid 16 include a base member 26, a bridge member 28 perpendicularly oriented to the base member 26. (See figs. 1-3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, 14, 16, 18-25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Izenberg (US 5,044,103).

With regards to claims 13,14, 16, 18-25, and 27, Izenberg teaches a sign holder for suspended ceilings comprising a grid formed from the interconnection of grid members 16, at least one tapered panel 10 having a slanted layer 34 connected to a plurality of side surfaces 32 including outwardly extending flanges 30 adapted to suspend the at least one tapered panel 10 from the grid 16. Two of the side surfaces 32 intersect with the slanted later to form a pair of parallel edges that taper across the length of the panel. The grid 16 include a base member 26, a bridge member 28 perpendicularly oriented to the base member 26. (See figs. 1-3). It does not show expressly a plurality of tapered panels arranged in different pattern such as a shingle pattern, a saw-tooth pattern, undulating pattern, a checkered pattern; however on col. 1, lines 59-61, Izenberg talked about a sign holder 10 is desirable enhancing materials into

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the ceiling, that could inherently having more than one holding tapered panels. The motivation for doing so would have been provide more pictures could be hanged on the ceiling in different designs in the graphic art area. With regards to the limitations of arranging tapered panels in different patterns, the examiner considers this would have been obvious of design choice because this would give more decorative nature in the art.

Allowable Subject Matter

Claims 17 and 26 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-8, 17, 26, 28-31 are allowable because the prior art fail to disclose or render obvious the claimed combination including:

Claim 1 is allowable for a fourth upwardly extending side; claims 2-8 depending on claim 1.

Claims 17, 26 are allowable for the first end of the second panel is offset 90-degree from the first end of the first panel to forma pinwheel pattern.

Claim 28 is allowable for a series of panels of various depths with transition of deepest panels, shallowest panels separated by intermediate panel.

Claim 29 is allowable for a bottom surface on the first planar panel extends further from the grid than the bottom surface of the second planar panel. Claims 30-31 depending on claim 29 as specifically set forth in the claims.

Response to Arguments

Applicant's arguments with respect to claims 9-16, 18-25, 27, and 32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (703) 308-0839. The fax number for the organization where this application or proceeding assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

1113.



CQN

1/8/03



Carl D. Friedman
Supervisory Patent Examiner
Group 3600